

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

RICHARD MCELVEEN,)	
)	
Claimant,)	IC 04-507011
)	
v.)	
)	ORDER
EXECUTIVE PLUMBING, LLC,)	
)	Filed January 31, 2006
Employer,)	
)	
and)	
)	
STATE INSURANCE FUND,)	
)	
Surety,)	
)	
Defendants.)	
_____)	

Pursuant to Idaho Code § 72-717, Referee Michael E. Powers submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Apportionment pursuant to Idaho Code § 72-406 is not appropriate in this case.
2. Claimant is not entitled to further medical care.
3. Claimant is not entitled to further total temporary disability benefits.
4. Defendants are not entitled to reimbursement of benefits.

5. Claimant is not entitled to permanent partial disability benefits in excess of his 3% whole person permanent partial impairment.

6. Claimant is not subject to the forfeiture of benefits pursuant to Idaho Code § 72-801.

7. Claimant is not entitled to an award of attorney fees pursuant to Idaho Code § 72-804.

8. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this __31st__ day of ____January____, 2006.

INDUSTRIAL COMMISSION

____/s/_____
Thomas E. Limbaugh, Chairman

____/s/_____
James F. Kile, Commissioner

____/s/_____
R. D. Maynard, Commissioner

ATTEST:

____/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the __31st__ day of ____January____, 2006, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

REED G SMITH
942 MYRTLE ST
BOISE ID 83702

NEIL D MCFEELEY
PO BOX 1368
BOISE ID 83701-1368

____/s/____

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